



THE ATTORNEY GENERAL OF TEXAS

AUSTIN, TEXAS 78711

**JOHN L. HILL
ATTORNEY GENERAL**

June 20, 1975

**The Honorable Kenneth W. Cook
Acting Administrator
Texas Alcoholic Beverage Commission
P. O. Box 13127
Austin, Texas 78711**

Open Records Decision No. 94

**Re: Availability under the Open
Records Act of records of
suspension or revocation of
alcoholic beverage licenses.**

Dear Mr. Cook:

You have requested our opinion regarding the availability under the Open Records Act, article 6252-17a, V. T. C. S., of all applications for retail beer licenses, retail liquor licenses, late hours licenses and mixed beverage permits, as well as all records concerning the suspension or revocation of any of these licenses or permits.

In Open Records Decision No. 62 (1974), we held that all information in an application for an alcoholic beverage license, except the name, proposed location, and type of permit sought, is excepted from disclosure by section 3(a)(1) of the Open Records Act, in that it is information deemed confidential by a specific statutory provision, article 666-12a, section 5, Texas Penal Auxiliary Laws.

With regard to records of suspensions and revocations, section 5 provides:

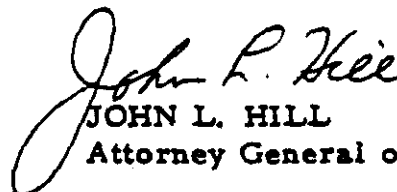
Records of all violations of this Act by holders of licenses and permits and records introduced and made public at hearings, and decisions resulting therefrom relating to such violations shall be kept on file at the office of the Liquor Control Board at Austin, Texas, and such records shall be open to the public. The private records of any person, permittee or licensee (which shall be any records except the name, proposed location, and type of permit or license sought in any application for a permit or license or any renewal

thereof, any periodic report covering the importation, distribution, or sale of any alcoholic beverages required by the Board to be regularly filed by a permittee or licensee) which are required or obtained by the Liquor Control Board or its agents in connection with any investigation, or otherwise, shall be privileged, unless introduced in evidence in a hearing before the Board or any court in this state or the United States.



It is clear from the statute that all notices and orders issued by the Alcoholic Beverage Commission in connection with the suspension or revocation of any license or permit, as well as all records, by whomever collected, which are introduced into evidence at a suspension or revocation hearing, are public and subject to disclosure. Specifically included within the terms of the statute are the decisions of the Commission regarding suspension or revocation. Although the private records of any person, permittee or licensee are, except as indicated in the statute, privileged and therefore not disclosable, it is our opinion that information collected by the Commission and not obtained from the private records of any person, permittee or licensee, is disclosable at least to the extent that they are introduced into evidence at a Board hearing.

We hold therefore that all records regarding the suspension or revocation of alcoholic beverage licenses, except for those private records excepted by statute, are public and should be disclosed.

Very truly yours,


JOHN L. HILL
Attorney General of Texas

APPROVED:


DAVID M. KENDALL, First Assistant

C. ROBERT HEATH, Chairman
Opinion Committee

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